RAO SAHIB DR. N. KUNJAN PILLAI (*Ag. Land Revenue and Income Tax Commissioner*): Certainly.

Appointment of Mr. C. S. Lakshmanan Pillai, Sirkar Vakil as Judge.

58*. MR. M. SIVATANU PILLAI (*Tovala*): Will the Government be pleased to state:

(*a*) whether the Honorable High Court recently recommended Mr. C. S. Lakshmanan Pillai, Sirkar Vakil, Kottayam, to be appointed as a Judge;

(*b*) if so, when such recommendation was made, whether there was any one else recommended along with him; and whether his recommendation was an unanimous one by their Honours the Judges; and

(*c*) whether the Government accepted that recommendation, and if not, why not; if so, why the appointment is not yet made?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) Mr. C. S. Lakshmanan Pillai, B. A., B. L., Sirkar Vakil, Kottayam, was recommended, by the High Court, to be appointed as a Temporary Second Judge.

(*b*) The recommendation was made in the High Court Registrar's letter No. 1061/C. S. dated the 9th June 1933. It was only in respect of Mr. C. S. Lakshmanan Pillai. The Government have no information whether the Judges were unanimous in recommending Mr. Lakshmanan Pillai.

(*c*) The recommendation was not accepted by Government. Mr. T. J. Joseph, B. A., B. L., Sirkar Vakil, Kottayam, was recommended in November 1932 by the High Court for appointment as Temporary Second Judge, if Sirkar Vakils were regarded as not subject to the 40 years' rule. At that, time the age-limit of 40 years was applicable to Sirkar Vakils. This rule has since been altered and Sirkar Vakils, who entered service before completion of their 40th year of age, are exempted from its operation. Government therefore decided that Mr. Joseph should, on grounds of efficiency, be appointed as Temporary Second Judge. The appointment has been given effect to in G. O. R. O. C. No. 1867/33/Judicial, dated the 28th July 1933.

MR. M. SIVATANU PILLAI (*Tovala*): Will the Government be pleased to consider the claims of Mr. C. S. Lakshmanan Pillai at least in the next vacancy?

MR. K. GEORGE (*Chief Secretary to Government*): No definite promise can be held out.

MR. M. SIVATANU PILLAI (*Tovala*): To consider his claims?

MR. K. GEORGE (*Chief Secretary to Government*): Certainly, his claims will be considered.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): May I know whether the previous recommendation of 1932, of the High Court, referred to by the member, was not considered by them later when they made their subsequent recommendation?

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MR. K. GEORGE (*Chief Secretary to Government*): Government do not make recommendations.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): I am referring to the High Court. I want to know whether, when the High Court made their subsequent recommendation, they did not consider their earlier recommendation of 1932.

MR. K. GEORGE (*Chief Secretary to Government*): Government have no information.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): May I know whether, before appointing Mr. Joseph, Government referred the matter again to the High Court for their opinion as to why they had then recommended Mr. Lakshmanan Pillai and not Mr. Joseph?

MR. K. GEORGE (*Chief Secretay to Government*): No.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): Why?

MR. K. GEORGE (*Chief Secretary to Government*): It was not necessary; the High Court had recommended Mr. Joseph also.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): May I know whether, in making the appointment, Government had the principle of communal representation in view?

MR. K. GEORGE (*Chief Secretary to Government*): In the appointment of Second Judges, efficiency is the essential consideration.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Only efficiency?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Was the efficiency of the candidates considered in making the recommendation?

MR. K. GEORGE (*Chief Secretary to Government*): The High Court might have considered that.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): When was the 40 years rule changed?

MR. K. GEORGE (*Chief Secretary to Government*): The High Court recommended it on the 30th of November 1932.

(A voice: Mr. Chidambaram Pillai has not sat down.)

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I am sorry; I do not see backwards, Sir. (*Laughter*)-

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): May I know whether the High Court, when they made the recommendation, considered the respective claims, communal and of efficiency, of the candidates?

MR. K. GEORGE (*Chief Secretary to Government*): They might have.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Are the Government aware whether the High Court, as a matter of fact, went into the question of the relative efficiency of the candidates?

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MR. K. GEORGE (*Chief Secretary to Government*): They might have. Government considered that Mr. Joseph who had already been recommended by the High Court was the most suitable candidate for the post.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Did the Government infer that the High Court had considered the question of efficiency also?

MR. K. GEORGE (*Chief Secretary to Government*): Government did not make any such inference.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether Government have with them still any other old recommendation of the High Court?

MR. K. GEORGE (*Chief Secretary to Government*): I am not in a position to say that now.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the recommendations of.....

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Mr. Chidambaram Pillai has not yet sat down, Sir. (*Laughter.*)

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): May I know whether any person was recommended previous to Mr. Joseph?

MR. K. GEORGE (*Chief Secretary to Government*): There was the case of Mr. P. P. John.

PRESIDENT: That does not arise.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Was not one Mr. T. K. Balakrishna Menon recommended once?

MR. K. GEORGE (*Chief Secretary to Government*): I have no information.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know whether a recommendation, particularly in a case where efficiency was the chief consideration, can be considered to be acceptable after the lapse of about two years?

MR. K. GEORGE (*Chief Secretary to Government*): It was not two years old. The first recommendation was made only in November 1932. There was an interval of only about two months between the prior and the subsequent recommendations.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Were the Government sure that, during that interval, nothing would have happened to the claim of the person who was first recommended?

MR. K. GEORGE (*Chief Secretary to Government*): Government were satisfied as to that.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): How?

MR. K GEORGE (*Chief Secretary to Government*): They were aware of it.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In regard to efficiency for appointment as Judges, are the High Court the better Judges, or the Government?

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MR. K. GEORGE (*Chief Secretary to Government*): The High Court themselves had recommended just two months back that Mr. Joseph might be appointed ; Government were satisfied that he was efficient for the post, and appointed him.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) Were they convinced about his efficiency also ?

MR. K. GEORGE (*Chief Secretary to Government*) : The High Court themselves had recommended him not long ago.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Were the Government sure that nothing had happened to Mr. Joseph and his claims of efficiency during the interval ?

MR. K. GEORGE (*Chief Secretary to Government*) : The interval was not long : Government had information of Mr. Joseph's efficiency.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Do the Government keep themselves informed of the efficiency of Vakils applying for Judges' posts ?

MR. K. GEORGE (*Chief Secretary to Government*) : Unless they are themselves satisfied as to the efficiency of the candidate, Government do not make the appointment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Is it not always on the basis of the recommendation made by the High Court that the Government make appointments of Judges ?

MR. K. GEORGE (*Chief Secretary to Government*) : Not always.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Therefore, am I to take it that, even though the High Court had recommended an individual or had not recommended the name of any individual, the Government can make any appointment ?

MR. K. GEORGE (*Chief Secretary to Government*) : Government have the power to appoint any individual.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) ; Does the member think that that is consistent with good policy in regard to the appointment of Judges ?

PRESIDENT : That is going too far.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Regarding the Government's knowledge of Mr. Joseph's work, I wish to know whether Government made any reference to the Head Sirkar Vakil under whom he had been working ?

MR. K. GEORGE (*Chief Secretary to Government*) : The Head Sirkar Vakil had repeatedly recommended Mr. Joseph as a very efficient man.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Did they make any reference to the Head Sirkar Vakil between November 1932 and June 1933 ?

MR. K. GEORGE (*Chief Secretary to Government*) : No.

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MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I thought that the dates were November 1932 and June 1933, but the Chief Secretary referred to there being an interval of two months only between these dates. Are these dates correctly given? Was the recommendation of Mr. Joseph in November 1932 and the recommendation of Mr. Lakshmana Pillai in June 1933? If these dates are accurate, then the interval cannot be two months.

MR. K. GEORGE (*Chief Secretary to Government*): I am mistaken. The interval is six or seven months.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, is it not customary that, when a recommendation is made in regard to a specific vacancy, the High Court is consulted when their recommendation is departed from?

MR. K. GEORGE (*Chief Secretary to Government*): There have been precedents of not consulting the High Court in such cases.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is it the accepted principle of Government that they make judicial appointments independently of the High Court?

MR. K. GEORGE (*Chief Secretary to Government*): No.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know from the member what was the basis on which the High Court originally recommended Mr. Lakshmanan Pillai?

MR. K. GEORGE (*Chief Secretary to Government*): I cannot say.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know from the member whether the High Court was asked by the Government what was the basis on which Mr. Lakshmanan Pillai was recommended?

MR. K. GEORGE (*Chief Secretary to Government*): No, they did not.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know from the Government whether it is their policy to consider every recommendation of the High Court on its merit as and when it comes or to consider all the pending recommendations together?

MR. K. GEORGE (*Chief Secretary to Government*): That depends on the circumstances. In a particular case the High Court may have a short while ago recommended a particular man though earlier they might have made another recommendation. But it is open to Government to consider their previous recommendation also.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the recommendations of the two candidates were made by the High Court to the Government simultaneously or separately?

MR. K. GEORGE (*Chief Secretary to Government*): The two candidates were not recommended simultaneously. My answer is clear on that point. I said that Mr. Joseph was recommended in November 1932 and Mr. Lakshmanan Pillai in June 1933.

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MR. S. J. NAIR (*Nedumangad*) : May I know from the member why Mr. Joseph was not appointed when he was recommended formerly ?

MR. K. GEORGE (*Chief Secretary to Government*) : That was also stated clearly in the answer. That is, there was a rule that members taken from the bar should be below forty years of age. That rule was amended subsequently.

MR. S. J. NAIR (*Nedumangad*) : May I know from the member whether any memorial has been submitted by Mr. Joseph to the Government regarding his claims ?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, there was a memorial.

MR. S. J. NAIR (*Nedumangad*) : May I know from the member whether the Government appointed him as a result of that memorial ?

MR. K. GEORGE (*Chief Secretary to Government*) : No. The memorial had nothing to do with his appointment.

MR. S. J. NAIR (*Nedumangad*) : Was it then upon the recommendation of the High Court ?

MR. K. GEORGE (*Chief Secretary to Government*) : Yes, the first recommendation of the High Court.

MR. S. J. NAIR (*Nedumangad*) : What about the second recommendation ?

MR. K. GEORGE (*Chief Secretary to Government*): The first recommendation was acted upon.

MR. S. J. NAIR (*Nedumangad*) : I understood from the member that the recommendation of the High Court was based upon efficiency, Am I right ?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. S. J. NAIR (*Nedumangad*) : When the High Court made the subsequent recommendation I understand that they recommended Mr. Lakshmanan Pillai on the basis of efficiency. Then what was the reason for Government not considering the question of efficiency ?

MR. K. GEORGE (*Chief Secretary to Government*) : Government did consider efficiency and were satisfied that the officer appointed was efficient.

MR. S. J. NAIR (*Nedumangad*) : So am I to understand that Government was not satisfied with the consideration of the High Court that a particular candidate was not efficient ? In the eyes of the Judges of the High Court a particular candidate was efficient and they made a certain recommendation and the Government practically vetoed that recommendation on the basis of efficiency ?

MR. K. GEORGE (*Chief Secretary to Government*) : It is not exactly vetoing the recommendations but accepting a previous recommendation of the High Court.

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MR. S. J. NAIR (*Nedumangad*): May I know from the member whether that sort of acceptance is regular? There are two candidates who have been recommended; one candidate was recommended first but subsequently another was recommended on the strength of efficiency and the Government did not act up to that recommendation.

PRESIDENT: You are making a speech, Mr. Nair.

MR. S. J. NAIR (*Nedumangad*): I understood that the member did not understand me and I wanted to explain. May I know from the member whether there was any particular reason on the part of Government not to accept the standard of efficiency as recommended by the High Court?

MR. K. GEORGE (*Chief Secretary to Government*): It is a general question.

MR. S. J. NAIR (*Nedumangad*): What I mean is this. When the vacancy in question came, the High Court on the basis of efficiency recommended a particular person. But the Government on the basis of a former recommendation appointed another person. So, I want to know from the member why the recommendation made by the High Court after having considered the efficiency of the two rival candidates was not acted upon by Government.

PRESIDENT: The Chief Secretary has answered all that.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഫസ്റ്റ് ക്ലാസ്-ൽ മി. ജോസഫിനെ നിയമിക്കണമെന്ന ഹൈക്കോടതിയിൽനിന്ന ശുപാർശചെയ്തപ്പോൾ അദ്ദേഹത്തെ നിയമിക്കാതിരുന്നതു വയസ്സുകൊണ്ടുള്ള തടസ്ഥം കൊണ്ടുമാത്രമായിരുന്നോ?

MR. K. GEORGE (*Chief Secretary to Government*): അതെ.

MR. K. SANKARAN (*Kartikapalli I*): May I know from the Government whether communal consideration is totally ignored in the matter of judicial appointments?

MR. K. GEORGE (*Chief Secretary to Government*): I have spoken only about the appointment of Second Judges.

MR. K. SANKARAN (*Kartikapalli I*): May I know from the Government whether they would consider the communal claims if proper and efficient candidates are available from the different communities?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the member when the rule in regard to forty years was amended?

MR. K. GEORGE (*Chief Secretary to Government*): June 1933.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the date of the memorial from Mr. Joseph?

MR. K. GEORGE (*Chief Secretary to Government*): I cannot say.

MR. K. PADMANABHAN (*Chirayinkil I*): Was it subsequent to that memorial that the amendment of the rule was made?

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MR. K. GEORGE (*Chief Secretary to Government*): The suggestion for the amendment of the rule was made on the 30th November 1932 along with the recommendation about Mr. Joseph.

MR. K. PADMANABHAN (*Chirayinkil I*): Was there any justification for amending that rule with regard to forty years?

MR. K. GEORGE (*Chief Secretary to Government*): Equity and fairness.

Statement by caste of the officers in the Secretariat.

59. ***MR. K. SANKARAN** (*Kartikapalli I*): Will the Government be pleased to place on the table a caste-war statement of the number of officers (including acting clerks) in the Huzur Secretariat?

MR. K. GEORGE (*Chief Secretary to Government*): The statement is given below.

			No.
Hindus.			
1	Brahmin (Malayala)	...	1
2	Do. (others)	...	58
3	Ezhava	...	13
4	Kammala	...	2
5	Kshatriya	...	6
6	Nadar	...	1
7	Nair	...	63
8	Pulaya	...	...
9	Vellala	...	21
10	Other Depressed classes	...	5
11	Other Hindus	...	6
	Mussalman	...	9
Christians			
1	Protestant	...	7
2	Roman Catholic		
	(*a*) Latin rite	...	2
	(*b*) Syriac rite	...	5
3	Syrians		
	(*a*) Jacobite	...	12
	(*b*) Mar Thoma	...	7
4	Church of England	...	3
5	Depressed classes	...	1
			222

The Muttathu Kayal-Pozhichal canal.

60. ***MR. EDAVANATT S. PADMANABHA MENON** (*Shertala I*): (*a*) Will the Government be pleased to state what steps they have taken so far in connection with the Muttathu Kayal—Pozhichal canal cutting the Aroor road near the 16th mile?

(*b*) Are the Government aware that the people are willing to surrender the sites free?

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